

that weekend, and the conversation settled into a former teacher there. Although we attended the school at different times, we had similar stories about the Pulitzer nominee, who had photographed the desegregation clashes in Arkansas. After the obligatory words of praise for our mentor, we went directly to the obligatory stories about him that made us laugh the most.

Probably what I'll miss the most are those phone calls out of nowhere that started with the words, "I sure enjoyed that picture you made." When I told Ed I'd miss the reunion because I was taking a 45 field camera to the coast, he said, "I'd sure like to see those." It rarely mattered what the pictures were about, we had reached a point when we knew the pictures were about us. I'll miss that.

There's a big black hole in my soul and at the center of the photo-journalism universe with Ed Reinke gone, but it's his influence that will shine the brightest.

MORE ON REINKE

Ed used to wear a bright red jacket, which is how people could quickly find him. Early one morning at Churchill Downs, Ed spotted a former Kentucky Derby winner on the track on a workout. He took off the jacket, stuffed it in his camera bag, and snuck away from the crowd. A couple of us watched as he stalked the backside to wait for the horse to come back around. Ed wasn't particularly competitive, but he didn't like finding a situation only to have another photographer crash in.

The Kentucky Derby brings in photographers from all over the world. During an early morning meeting of photographers, Ed spotted a well-known group standing together. "There isn't many people I really dislike at the Kentucky Derby, but they're all standing right there."

During a conversation at a recent Kentucky Legislative session, I commented to Ed his pictures were getting better with age. After the obligatory expletive, which is what I was after, he said, "Well, if it has my name on it, I'm going to keep trying."

Ed liked using a Wild West vocabulary. The cameras were his shootin' irons. Film rolls and the cards that came later were his bullets or ammo.

Whenever asked if he got a dunk at a basketball game, Ed would point to the stands and reply, "Nah, but you see that guy up there in the stands with the white shirt? Tack sharp!"

DREAM SABBATH

Mr. DURBIN. Mr. President, 10 years ago I introduced the DREAM Act legislation that would allow a select group of immigrant students with great potential to contribute more fully to America.

The DREAM Act would give these students a chance to earn legal status if they: came to the United States as children; are long-term U.S. residents; have good moral character; graduate from high school; and complete 2 years of college or military service in good standing.

The DREAM Act would make America a stronger country by giving these talented immigrants the chance to serve in our military and contribute to our economy. Tens of thousands of highly qualified, well-educated young people would enlist in the Armed Forces if the DREAM Act becomes law. And studies have found that DREAM Act participants would contribute lit-

erally trillions of dollars to the U.S. economy during their working lives.

These young people have overcome great obstacles to succeed. They are valedictorians, star athletes, honor roll students, and R.O.T.C. leaders. Now they want to give back to their country. The DREAM Act would give them that chance.

For the last 10 years I have been working on the DREAM Act, there has been one constant: strong support from the faith community. The DREAM Act is supported by almost every religious group you can imagine: Catholic, Methodist, Episcopal, Lutheran, and Evangelical Christians; Orthodox, Conservative, and Reform Jews; and Muslims, Hindus, and Sikhs.

The faith community supports the DREAM Act because it is based on a fundamental moral principle that is shared by every religious tradition—it is wrong to punish children for the actions of their parents.

These students were brought to this country as children. They grew up here pledging allegiance to the American flag and singing the only national anthem they have ever known. They are American in their hearts and they should not be punished for their parents' decision to bring them here.

During the past two months, people of faith all across this country have been showing their support for the DREAM Act by observing the first-ever "DREAM Sabbath."

During the DREAM Sabbath, at churches, synagogues, mosques, and temples around the country, Americans of many religious backgrounds have been offering prayers for the immigrant students who would be eligible for the DREAM Act. At many of these events, these DREAM Act students have told their stories.

In all, there have been more than 400 DREAM Sabbath events in 44 States.

In June, when I announced the DREAM Sabbath, I was joined by religious leaders from a great variety of faith traditions, including: Cardinal Theodore McCarrick; Bishop Minerva Carcaño of the United Methodist Church; Reverend Samuel Rodriguez of the National Hispanic Christian Leadership Conference; Reverend Derrick Harkins of the National Association of Evangelicals; Bishop Richard Graham of the Evangelical Lutheran Church in America; Bishop David Jones of the Episcopal Church; Rabbi Lisa Grushcow; Imam Mohamed Magid of the Islamic Society of North America; Sister Simone Cambell, Executive Director of NETWORK; Rabbi Doug Heifetz; Dr. Fred Kniss, Provost of Eastern Mennonite University; and Father Jacek Orzechowski, Franciscan Friar, the Holy Name Province.

The DREAM Sabbath events reflect this great religious diversity. To give a few examples of the congregations who observed the DREAM Sabbath: The First Presbyterian Church of Cheyenne, Wyoming; The Central United Methodist Church in Fairmont, West

Virginia; The Unitarian Church of Lincoln, Nebraska; Galloway Memorial Episcopal Church in Elkin, North Carolina; Grace United Methodist Church in Missoula, Montana; Trinity Episcopal Church in Winner, South Dakota; The Texas Catholic Conference of Bishops; The Florida Catholic Conference of Bishops; and many Catholic dioceses.

In Tucson, AZ, the DREAM Sabbath was recognized at the National Hispanic Evangelical Immigration Summit, a gathering of 1,200 Evangelical ministers. This summit was convened by Reverend Sam Rodriguez and the National Hispanic Christian Leadership Conference. In my home State of Illinois, I observed the DREAM Sabbath at, among other places, Anshe Sholom B'nai Israel Congregation.

I worked with a remarkable team of leaders to put the DREAM Sabbath together. This team was led by Bill Mefford, director of civil and human rights at the United Methodist Church; Jen Smyers, associate director of immigration and refugee policy at Church World Service; and Liza Lieberman, grassroots policy associate at the Hebrew Immigrant Aid Society. I thank them, and the Interfaith Immigration Coalition, for their leadership.

I would also like to thank the following individuals for their tremendous efforts in ensuring that the DREAM Sabbath was observed in nearly every State in this country:

Kevin Appleby and Antonio Cube, U.S. Conference of Catholic Bishops; Nora Skelly, Lutheran Immigration and Refugee Service; Patrick Carolan, Franciscan Action Network; Tammy Alexander, Mennonite Central Committee; Larry Couch, National Advocacy Center of the Sisters of the Good Shepherd; Sr. Mary Ellen Lacy, NETWORK: A Catholic Social Justice Lobby; Regina McKillip, Sisters of Mercy of the Americas; Kat Liu, Unitarian Universalist Association; Robert Gittelsohn, Conservatives for Comprehensive Immigration Reform; Jenny Yang, World Relief; and Ana White, Episcopal Church.

I would like to offer special thanks to Diana Villa, from United We Dream, for working to make sure that DREAM Act students could attend many of these DREAM Sabbath events and share their moving stories.

Finally, I would like to thank all of the Dreamers, as DREAM Act students call themselves, for having the courage and persistence to continue the fight for the DREAM Act.

If anyone is interested in becoming part of this important national movement, they can visit www.dreamsabbath.org or call my office at 202-224-2152.

The DREAM Sabbath is putting a human face on the plight of undocumented students who grew up in this country and will help build support for passage of the DREAM Act. Again, I thank all those who worked so hard to make DREAM Sabbath a reality. Because of these leaders, DREAM Act

students remain in the prayers of the many thousands of Americans who have attended DREAM Sabbath events.

LIVESTOCK COMPETITION RULE

Mr. HARKIN. Mr. President, throughout the decades since the Packers and Stockyards Act was enacted in 1921, livestock and poultry producers and growers have depended upon the U.S. Department of Agriculture to enforce basic rules of honest dealing, fairness, and nondiscriminatory treatment when livestock and poultry growers and producers engage in sales and contractual transactions with meat and poultry packers, processors, and dealers.

The underlying justification for the Packers and Stockyards Act, and the regulations that have been issued to carry it out, is basic and straightforward. There is inherently a substantial inequality in bargaining power and economic leverage between the individual producer or grower of hogs, or cattle, or poultry, on the one hand, and the packing or processing company on the other hand. That is not to accuse or disparage the packers and processors, but simply to recognize the inherent disparities in economic power in the real world. It is accordingly only reasonable to have some basic Federal rules of the road, so to speak, because livestock and poultry production and processing is a national industry of huge importance to our country and its economy.

For many years we have heard repeated testimony before Congress that the Packers and Stockyards Act is not being carried out by the Department of Agriculture, specifically by the Grain Inspection, Packers and Stockyards Administration, in a manner that fully and effectively lives up to the language of the statute, its intent, and purposes. For that reason, in crafting the Food, Conservation, and Energy Act of 2008, as chairman of the Committee on Agriculture, Nutrition, and Forestry, I was proud to work with my colleagues in the committee and with our counterparts in the House of Representatives to include language directing the Secretary of Agriculture to issue new regulations under the Packers and Stockyards Act that would clarify criteria and interpretations for carrying out and enforcing the act. These new regulations are required to establish criteria that the Department of Agriculture will use in determining whether the actions of a packer or processor constitute an undue or unreasonable preference or advantage for one or more producers or growers to the disadvantage of others, in violation of the act; whether a live poultry dealer has provided reasonable notice for suspending the delivery of birds to a grower under a poultry growing contract; under what circumstances it would be an unfair practice in violation of the act for a packer or processor to require a swine or poultry grower to make additional capital investments during the

life of a contractual arrangement; and whether a live poultry dealer or swine contractor has provided a reasonable period of time for a swine or poultry contract grower to remedy a breach or failure to perform in order to avoid termination of the contract.

In accordance with the farm bill, the Department of Agriculture issued a proposed rule on June 22, 2010, and kept the public comment period open until November 22, 2010. Some 61,000 comments were submitted, which the department has been reviewing and responding to in the process of developing a final rule. The proposed rule is not perfect, of course. That is why there is a public comment process so that anyone who is interested can comment and make recommendations. Secretary of Agriculture Vilsack has made it very clear that the comments were being carefully reviewed so that the proposed rule can be appropriately modified and improved in response to the comments.

Contrary to some of the arguments that are being made, the topics and subject matter covered in the proposed rule, and which therefore likely would be encompassed in the final rule, are entirely consistent with the rule-making process that the 2008 farm bill directed the Secretary of Agriculture to conduct and with the authority provided by the Packers and Stockyards Act. It is not at all correct to assert that the Department of Agriculture has exceeded its authority or in some manner or contradicted the farm bill's directive to issue regulations on specified matter.

It is true the proposed rule would do more to interpret and clarify terms in the Packers and Stockyards Act than is specifically required in the farm bill. Most important, the proposed rule would clarify what many believe to be a misinterpretation of the act by some courts that have held that an individual grower or producer cannot succeed on a claim for harm suffered from a violation of the act without an additional showing of harm to competition in the broader market. The effect of these holdings is effectively to deny relief to independent producers and growers for harm caused by unjust, discriminatory, or unfair practices, which are clearly in violation of the act's protections, unless they can show the broader injury to competition. That showing of injury to competition in the broader market is usually very hard or impossible to make. What is lost in these decisions is that the Packers and Stockyards Act was written and intended to provide protection to individual producers and growers against harm from unfair, unjustly discriminatory, or deceptive practices and similar actions by packers, processors, and dealers. The act was not written or intended to require that harm to competition in the broader market must be shown in order to establish a violation.

The Department of Agriculture clearly has the authority to issue regula-

tions to clarify interpretations of the Packers and Stockyards Act in order to ensure that it is properly carried out. This authority of a department or agency to issue regulations that will clarify the interpretation of a statute within its purview is fully supported by basic principles of administrative law established in the decisions of the Supreme Court and other Federal courts. Claims that in some way the proposed rule exceeds the authority of the Department of Agriculture are plainly unfounded.

As for the details of the proposed rule, it is not designed or intended to put an end to systems in which packers pay premiums for higher quality or distinctive livestock, for example, "Certified Angus" beef, or assess a discount if animals fail to meet standards. The proposed rule is quite clear that it is not designed to prohibit premiums and price differentials that are based on the quality of the livestock or poultry or similar features or circumstances. Because there is a valid economic justification for quality-based premiums and discounts, they are not prohibited by the Packers and Stockyards Act. Accordingly, the proposed rule is clear that such quality-based premiums or discounts are entirely valid and won't be prohibited or jeopardized by the final rule. It just stands to reason, that since there is now obviously economic justification and reward to packers as well as producers for these systems of quality-based premiums and discounts, there will still be incentives and motivation to keep them in place after the final rule is issued.

Finally, regarding the claims that the proposed rule will be very costly and eliminate jobs, the short answer is that these studies, as I understand them, are founded on basic misreading and mischaracterization of the terms and intent of the proposed rule and upon misguided and exaggerated predictions of the effects of carrying it out. They are undoubtedly very extreme predictions of the effects of a rule that is designed and intended, fundamentally, to do no more than simply to ensure fair and nondiscriminatory treatment of livestock and poultry producers and growers in the market.

This rule is vitally important to producers and growers across our country. We should not in legislation prevent the Department of Agriculture from going ahead to make improvements and modifications and issue a final rule that is greatly needed to enhance the effectiveness of the Packers and Stockyards Act.

Mr. JOHNSON of South Dakota. Mr. President, today I rise to reiterate and again offer my full support of the United States Department of Agriculture Grain Inspection, Packers, and Stockyards Administration's, GIPSA, authority to continue promulgating its proposed rule concerning livestock competition. There have been some comments made with concern about both the substance of GIPSA's proposed rule as well as the authority of